

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

CHARLES POOLE, )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No. 4:14-CV-00662-BCW  
 )  
 CONVERGENT OUTSOURCING, )  
 INC., )  
 )  
 Defendant. )

**ORDER**

Before the Court is Plaintiff's motion for default judgment (Doc. #11). The Court, being duly advised of the premises, and for good cause shown, denies said motion.

Plaintiff initially filed this action in the Circuit Court of Jackson County, Missouri and Defendant filed a Notice of Removal on July 29, 2014. (Doc. #1). Thereafter, on August 5, 2014, Defendant filed a motion to dismiss Plaintiff's claims pursuant to Fed. R. Civ. P. 12(b)(6). (Doc. #7). On September 2, 2014, Plaintiff filed the instant motion for default judgment, citing Defendant's failure to appear, plea, or otherwise defend.

An entry of default may be entered against a party who has failed to plead or otherwise defend against claims filed against him. FED. R. CIV. P. 55. Upon the record, Defendant timely filed a motion to dismiss before Plaintiff filed his motion for entry of default. Moreover, there is no other indication that entry of default would be proper. Accordingly, it is hereby

ORDERED Plaintiff's motion for default judgment (Doc. #11) is DENIED.

IT IS SO ORDERED.

DATED: October 15, 2014

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT